

**Jay Fleming's Comments
on
The NFPA72 "Balanced" Committee.**

Neutral (cannot vote)

Arthur Lee (Chair) - US Consumer Products Safety Commission
(*Arthur feels that as Chairman he should be "neutral". - Jay Fleming*)
Tom Cleary - US National Institute of Standards and Technology

Industry Reps or Consultants Who Work With industry) - 6

David Christian - Gentex Corp / Automatic Fire Alarm Association
Wendy Gifford - Invensys Controls / National Electrical Manufacturers Assoc
(Actually an employee of Maplechase/Fire-ex)
Dan Gottuk - Hughes Associates, Inc (I have been told that Kidde hired Dan to lobby against the anti-ion proposal in Indiana, but this has not been confirmed.)
Stephen Olenick - Combustion Science and Engineering (This firm is often hired in the defense of ion technology in court.)
Larry Ratzlaff - Kidde Safety
Jason Sutula - Combustion Science and Engineering

Code & Standards Groups - 2

John Parssinen - Underwriters Laboratories, Inc.
Lee Richardson - NFPA Staff Liaison

Of course the NFPA & UL are not neutral on this matter.

Fire Service or Consumer Advocates - 2

Bob Bourke - International Fire Marshals Association (*Attended first day only*)
Jay Fleming - Boston Fire Department (*I was only appointed right before City Council meeting.*)

Others (Are these people experts on smoke detectors?) - 2

Oded Aron - Port Authority of NY/NJ
Steven Orlowski - National Association of Home Builders
(Both representatives were "hostile" to my proposals. Both also wanted to know why it wasn't all right for occupants to just jump out bedroom windows. (Several other participants asked the same question.)

**The following guests were in attendance:
(These 5 participated fully in the meeting.)**

Marty Ahrens - NFPA
John Hall - NFPA
Nancy McNabb - NFPA
Kenneth Cammarato - Kidde Safety
Tom Sri - Kidde Safety

The following task group members were not in attendance:

Wayne Boyd - US Safety and Engineering Corporation
Lynn Nielson - City of Henderson, NV (Building Official)
Don Russell - Texas A&M University (Like myself Professor Russell was only recently added)
Michael Savage - Middle Department Inspection Agency, Inc (Building Official)

Bob and I were essentially outnumbered 15 (opponents or neutral) to 2 in Baltimore.

Note: Professor Russell and I occasionally work for plaintiff attorneys in smoke alarm lawsuits.

Let me make it clear that I am not saying that the members of this Committee are biased, although that may be the case. (Many are just representing the interest that paid for them to go the meeting.) What I am saying is that the Committee process is biased.

I would like to first quote from testimony of Admiral Hiram Ricker before Congress in 1970.

“The typical industry-controlled code or standard is formulated by a committee elected or appointed by a committee elected or appointed by a technical society or similar group. Many of the committee members are drawn from the manufacturers to whom the code is to be applied. Others are drawn from engineering consulting firms and various Government organizations. However, since near unanimous agreement in the committee must generally be obtained to set requirements or to change them, the code represents a minimum level of requirements that is acceptable to industry. In a subtle way, the use of industry codes or standards tends to create a false sense of security. Described by code committees and by the language of many codes themselves as safety rules, they tend to inhibit those legally responsible for protecting the public from taking the necessary action to safeguard health and well being. Many states and municipalities have incorporated these codes into their laws, thus, in effect delegating to code committees their own responsibility for protecting the public.” (Quote taken from “Occupational Safety Management and Engineering”, W. Hammer, Prentice Hall, 1985.)

Now, I would like to quote from the NFPA's response to my 1997 request to restrict the use of ion.

“The committee feels that the data cited does not make a sufficiently compelling case for banning an entire technology. There would need to be clear evidence of a compelling hazard in order to justify a change that would deny ionization technology to consumers and to literally put companies out of business. A comprehensive testing project is being considered by the US Consumer Safety Product Commission (CPSC). If these tests indicate a compelling reason to ban ionization technology the committee will reconsider.”

Interestingly the committee must have felt my data was compelling but not compelling enough to hurt the financial interest of smoke alarm manufacturers. **Parents of children who have died in smoldering fires with operation ionization alarms, e.g. Miami of Ohio Fire, may have felt differently about how compelling my data was.**

I AM ASKING THAT THE MASSACHUSSET'S BOARDS DO NOT DELEGATE THEIR RESPONSIBILITY TO THE NFPA. I THINK THAT IF THEY DO NOT, THEY WILL, AGREE WITH THE “FIRE PROTECTION FIRE PREVENTION BOARD” AND APPROVE MY PROPOSALS.